

**Notice of Allowability**

Application No.

09/293,198

Examiner

Andrea M. Ragonese

Applicant(s)

RAUDALES, RAUL

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed on 22 September 2004.
2. ☒ The allowed claim(s) is/are 2-13,32,34,36,38,39,41 and 42.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other: \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Charles Hieken on December 13, 2004.
3. The application has been amended as follows:
  - **Claims 17-21, 33, 37 and 40** have been canceled.
  - In **claim 32**, "and wherein the housing is constructed and arranged to rotate relative to the infuser." has been deleted and – wherein the housing is constructed and arranged to rotate relative to the infuser; and wherein the infuser is periodically adjacent to first and second relative sides of the outer wall, the first and second sides capable of changing position as the housing rotates relative to the infuser, the first relative side being in a position for intaking fluid into the drying chamber when the second relative side is in position for exhausting fluid from the drying chamber. – has been inserted therefor.
  - In **claim 36**, "about an axis." has been deleted and – about an axis; and a set of doors in the cylindrical wall to load and unload vegetable product. – has been inserted therefor.

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- In **claim 39**, “and a set of support members providing channels substantially oriented in the direction of the fluid flow path.” has been deleted and – a set of support members providing channels substantially oriented in the direction of the fluid flow path; and wherein the channels are adjustable relative to the vertical direction. – have been inserted therefor.
4. **Claims 2-13, 32, 34, 36, 38-39 and 41-42** are allowed.
5. The following is an examiner’s statement of reasons for allowance:
- The drying apparatus disclosed in **claim 1** comprising a heat transfer system with a drying chamber in thermal communication with a thermal collector, which converts solar energy to heat energy to provide heat to the drying chamber to dry the vegetable product, in combination with a photovoltaic module that provides all the electrical power to the heat transfer system has not been taught nor suggested in the prior art of record.
  - The drying apparatus disclosed in **claim 5** comprising a drying chamber in a housing in thermal communication with a thermal collector, which converts solar energy to heat energy to provide heat to the drying chamber to dry the vegetable product, in combination with a heat transfer system with a first pump using a first heat transfer medium, a second pump using a second heat transfer medium and a first heat exchanger, has not been taught nor suggested in the prior art of record.
  - The drying apparatus disclosed in **claim 32** comprising a cylindrical drying chamber in a housing with a perforated outer wall, in combination with an

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infuser which infuses fluid through the perforated wall as the housing rotates relative to the infuser, causing the first and second sides of the outer wall to change positions in order to intake fluid into or exhaust fluid from the drying chamber, has not been taught nor suggested in the prior art of record.

- The drying apparatus disclosed in **claim 36** comprising a drying chamber with a cylindrical wall extending around the chamber and a plurality of perforations that is capable of rotating about an axis, in combination a set of doors in the cylindrical wall to load and unload the vegetable product from the chamber, has not been taught nor suggested in the prior art of record.
- The drying apparatus disclosed in **claim 39** comprising a housing having a drying chamber with a fluid intake port and a fluid exhaust port which have a fluid flow path in substantially a vertical direction, in combination with a set of support members providing channels substantially oriented in the same direction of the fluid flow path that are adjustable relative to the vertical direction, has not been taught nor suggested in the prior art of record.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. This application is ready for allowance. However, due to the fact that some claims have been canceled, the remaining claims must be renumbered in accordance with 37 CFR 1.126, which requires the original numbering of the claims be preserved

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throughout prosecution until the application is in condition for allowance. At such time, the examiner must renumber the remaining claims consecutively in the order in which they appear or in such order as may have been requested by applicant. See MPEP § 608.01(j). Subsequently, **claims 2-13, 32, 34, 36, 38-39 and 41-42** have been renumbered as **claims 1-19**.

8. This application is in condition for allowance; and the proposed drawing corrections were approved by the Examiner on July 17, 2003. Therefore, new corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because replacement sheets incorporating these approved drawing corrections have not yet been received. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Rockburg (US 1,562,790) discloses a grain heating device with a housing having a drying chamber with a fluid intake port and a fluid exhaust port which have a fluid flow path in substantially a vertical direction but does not disclose channels that are adjustable relative to the vertical direction.
- Soul-Sun Goe (US 4,996,780) discloses a method and apparatus for drying foodstuffs with a cylindrical wall extending around the drying chamber with a


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plurality of perforations that is capable of rotating about an axis but does not disclose a set of doors in the cylindrical wall to load and unload the foodstuffs from the chamber.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Andrea M. Ragonese** whose telephone number is **571-272-4804**. The examiner can normally be reached on Monday through Friday from 8:30 am until 5:00 pm.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMR   
December 13, 2004

  
Henry Bennett  
Supervisory Patent Examiner  
Group 3700